

17 June 2013

Our Ref : MRD  
Your Ref :

***By E-mail and First Class Post***

Andrew Howlett  
Assistant Clerk to the Public Petitions Committee  
T3.40  
Scottish Parliament  
Edinburgh  
EH99 1SP

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Dear Mr Howlett

**Response from Govan Law Centre to Written Submissions to Petition PE01468**

I write on behalf of the Board of the Govan Law Centre Trust (GLC) to provide GLC's response to the written submissions the Public Petitions Committee has received from the Scottish Government, DWP, SFHA and Dumfries and Galloway Council.

GLC is aware that the Committee has so far chosen not to invite oral evidence from either the petitioners or any pro-tenant housing charities in Scotland; given the complexity of the issues being discussed – and the variance in evidence between parties - we do believe the Committee might find it more expedient and efficient to speak directly to parties, and GLC would be happy to provide such assistance to the Committee if so advised.

**(1) Scottish Government response dated 17 May 2013**

GLC supports the Scottish Government's pledge to scrap the bedroom tax (in the event it is in a position to implement same) but notes at best this would still require around 105,000 Scottish tenants to experience four to five years of the bedroom tax with concomitant damage to households, and social landlords, in addition to unacceptable human misery and needless evictions.

It has been suggested that it would create an anomaly<sup>i</sup> if the Scottish Parliament supported the petition's policy approach because this would single out protection for those affected by the bedroom tax as opposed to other benefits. It will be noted that the Scottish Government has itself singled out the bedroom tax by promising to abolish it, whereas it has not pledged to scrap the introduction of PIP, for example, (replacing DLA and resulting in significantly less money for many thousands of disabled persons).

There is no anomaly when one considers that (a) the bedroom tax affects the most vulnerable tenants in Scotland – with 79% of those households affected including someone with a recognised disability<sup>ii</sup> and (b) no other benefit deductions directly results in the threat of eviction and homelessness.

The Housing Minister has indicated that she prefers and advocates the approach of Dundee City Council. GLC has welcomed Dundee City Council's approach, and indeed the council's Housing Convenor has graciously noted that GLC's work '*was very influential in the formation of Dundee City Council's non-eviction policy*'.<sup>iii</sup> However, as the Daily Record newspaper reported, even local authorities who have signed up to this voluntary policy are not applying it consistently.<sup>iv</sup> There is a distinct lack of clarity and certainty, and ultimately the policy – which



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is piecemeal in approach – does not provide any comfort for the many thousands of tenants of registered social landlords.

The Minister's letter mistakenly asserts that GLC's petition is calling for a '*blanket exemption to eviction for all tenants affected by the bedroom tax regardless of circumstances*'. No such exemption is proposed, tenants who did not pay their rent and/or failed to engage or act reasonably with their landlord would be liable to eviction proceedings. What the petition recognises – just as the Scottish Government, numerous Scottish civic organisations supporting the petition such as Oxfam, the STUC, Shelter Scotland, Money Advice Scotland, and the 5,000 signatories who back the petition – is that the bedroom tax is not the fault of Scottish tenants. So why should they be evicted because of it?

At the very least we would invite the Committee to consider how the Minister's advocated approach (as taken by Dundee City Council and some other local authorities) could be progressed and strengthened as a statutory requirement so that all Scottish secure tenants benefited from this additional protection in a manner that was consistent and robust, with clarity and certainty. There is no evidence to suggest the approach of the petition '*could encourage tenants to get into debt*'. All of the evidence available to GLC is that Scottish tenants want to remain in their homes and will do all that they can to do so. We (and others) have had some early success with our bedroom tax toolkit in overturning bedroom tax decisions, and we believe there much scope to reduce the number of tenants affected by the bedroom tax by challenging decisions on a number of factual and legal grounds.

**(2) DWP response dated 20 May 2013**

The written response from Lord Freud on behalf of the DWP appears non-committal, suggesting it is too early to say what the impact of the bedroom tax will be. We have already set out in the petition itself what we believe the impact of the bedroom tax will be in Scotland, and we have no reason to depart from that position. As an overall observation, GLC notes that in order for the DWP's under occupation policy to make the estimated £980m saving across the UK over two years, there is a need for tenants to remain in their homes and absorb the cuts directly. If all affected tenants were to move to smaller homes (which the DWP accepts is not possible) then the policy would be cost neutral, as there would be still be a housing benefit cost from the reallocated tenants downsizing and upsizing or moving to the more expensive private rented sector. GLC believes the bedroom tax policy at its heart is designed to pass the cost onto tenants, local authorities and RSLs.

**(3) SFHA response dated May 2013**

The SFHA suggest that '*eviction is rarely used*' (at paragraph 1.4) if that were so there would not be almost 14,000 evictions court actions raised in Scotland each year in the social rented sector.<sup>v</sup> GLC has already set out arguments in the petition document explaining why on an economic analysis it is not good business sense for social landlords to evict tenants for bedroom tax arrears; other non-eviction solutions are much more effective and we would be happy to address the committee on innovative approaches.

**(4) Dumfries and Galloway response dated 9 May 2013**

Dumfries and Galloway Council make a cogent and powerful case why it is not possible or reasonable for tenants in small rural or remote communities to downsize to smaller properties, and we agree that it is patently unjust and unfair for such tenants to then face eviction and homelessness through no fault of their own. It is precisely this gross injustice that GLC's petition seeks to address.

As noted at the outset of this letter, GLC welcomed the opportunity to assist the Committee on any issue arising from the written evidence to date.

GLC believes that the bedroom tax represents the most serious risk to tenants in the social rented sector in Scotland now and in the next few years – on a scale much worse than the poll tax in its impact – and we believe a solution can be found which can avoid needless evictions and homelessness, yet balance the interests and sustainability of social landlords in Scotland.

Many thanks for your kind attention.

Yours sincerely

**Mike Dailly**  
**Principal Solicitor**  
**On behalf of the Govan Law Centre Board of Trustees**

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<sup>i</sup> Deputy First Minister's answer; see page 4 of

<http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/Petitions%20briefings%20S4/PB13-1468.pdf>

<sup>ii</sup> <http://www.heraldscotland.com/news/home-news/bedroom-tax-hits-disabled.20311365>

<sup>iii</sup> <http://us5.campaign-archive2.com/?u=91cb73bca688114fefed773f2&id=761ac825e0&e=0ad3f72156#News3>

<sup>iv</sup> <http://www.dailyrecord.co.uk/news/scottish-news/bedroom-tax-eviction-nightmare-local-1903620>

<sup>v</sup> See table at page 7: [http://scotland.shelter.org.uk/\\_data/assets/pdf\\_file/0006/635028/Evictions\\_Report\\_11 - 12\\_FINAL\\_2.pdf](http://scotland.shelter.org.uk/_data/assets/pdf_file/0006/635028/Evictions_Report_11_-_12_FINAL_2.pdf)